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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,834	08/31/2001	Anthony V. Ferreri	YOR9-2001-0435-US1	2826
21254	7590	05/02/2006		
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817				
			EXAMINER SHEIKH, ASFAND M	
			ART UNIT 3627	PAPER NUMBER

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/943,834	Applicant(s) FERRERI ET AL.	
	Examiner Asfand M. Sheikh	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>21-AUG-01</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1-24 rejected under 35 U.S.C. 102(e) as being anticipated by Abbott et al. United States Patent Application Publication 2004/0236641 (hereinafter Abbott).

**As per claim 1 and 19**, Abbott discloses determining production quantities of said devices planned to be manufactured (0015-0018); exploding each of said devices into first level components to generate required first level component volumes, wherein said first level components include assemblies (0088); multiplying said first level component volumes for each device by a corresponding production quantity of said production quantities to determine a total volume of first level components

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required, wherein said total volume of first level components includes assembly volumes (0015-0018 and 0088); exploding each of said assemblies into assembly components to generate required assembly component volumes for each assembly (0088); multiplying said assembly component volumes for each assembly by a corresponding assembly volume of said assembly volumes to determine a total volume of assembly components required (0015-0018 and 0088); and providing said total volume of assembly components required to assembly component manufacturers (0015-0018).

**As per claim 2, 9, 14 and 20,** Abbott discloses wherein said process of determining a production quantity comprises forecasting sales volumes for each of said devices (0047-0049; Examiner interprets "anticipated demand" involves forecasting sales volume for said devices).

**As per claim 3, 10, 15 and 21,** Abbott discloses wherein said devices share one or more of said components and said assemblies share one or more of said assembly components (0015-0018 and 0088).

**As per claim 4, 11, 16 and 22,** Abbott discloses further comprising identifying substitute components (0047-0049).

**As per claim 5, 17 and 23,** Abbott discloses wherein some of said components comprise critical components (0047-0049).

**As per claim 6 and 24,** Abbott discloses wherein said critical components comprise components having a level of supply insufficient to meet demand and having no available substitute components (0047-0049).

**As per claim 7, 12, and 25,** wherein said forecasting is performed using a minimum profile technique that removes all ordering parameters including order minimums, order maximums, leadtimes, transit times, and order sizing (0053-0068; Examiner interprets "parts yield of each machine is multiplied by the number of machines in stock to determine what type and quantity of parts is available" is a minimum profile technique which does not involve ordering parameters).

**As per claim 8,** Abbott discloses a determining production quantities of said devices planned to be manufactured (0015-0018); exploding each of said devices into first level

components to generate required first level component volumes, wherein said first level components include assemblies (0088); multiplying said first level component volumes for each device by a corresponding production quantity of said production quantities to determine a total volume of first level components required, wherein said total volume of first level components includes assembly volumes (0015-0018 and 0088); exploding each of said assemblies into assembly components to generate required assembly component volumes for each assembly (0088); multiplying said assembly component volumes for each assembly by a corresponding assembly volume of said assembly volumes to determine a total volume of assembly components required (0015-0018 and 0088); providing said total volume of assembly components required to assembly component manufacturers (0015-0018); identifying critical components and critical assembly components as ones having levels of supply insufficient to meet demand and having no available substitute components (0047-0049); and calculating a volume of each critical component and critical assembly component required to manufacture said devices based on said total volume (0047-0049).

**As per claim 9,** Abbott discloses a determining production quantities of said devices planned to be manufactured (0015-

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0018); exploding each of said devices into first level components to generate required first level component volumes, wherein said first level components include assemblies (0088); multiplying said first level component volumes for each device by a corresponding production quantity of said production quantities to determine a total volume of first level components required, wherein said total volume of first level components includes assembly volumes (0015-0018 and 0088); exploding each of said assemblies into assembly components to generate required assembly component volumes for each assembly (0088); and multiplying said assembly component volumes for each assembly by a corresponding assembly volume of said assembly volumes to determine a total volume of assembly components required (0015-0018 and 0088) wherein said forecasting is performed using a minimum profile technique that removes all ordering parameters including order minimums, order maximums, leadtimes, transit times, and order sizing 0053-0068; Examiner interprets "parts yield of each machine is multiplied by the number of machines in stock to determine what type and quantity of parts is available" is a minimum profile technique which does not involve ordering parameters).

**As per claim 18**, Abbott discloses wherein said critical components comprise components having a level of supply insufficient to meet demand and having no available substitute components (0047-0049).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asfand M. Sheikh whose telephone number is (571) 272-1466. The examiner can normally be reached on M-F 8a-4:30p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander G. Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

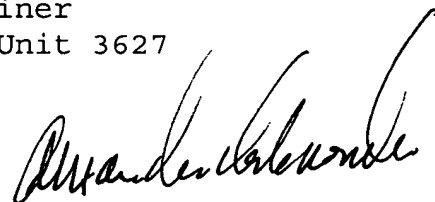


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

Asfand M Sheikh  
Examiner  
Art Unit 3627

ams

A handwritten signature in black ink, appearing to read 'Alexander Kalinowski', written in a cursive style.

**ALEXANDER KALINOWSKI  
SUPERVISORY PATENT EXAMINER**